THE HON'BLE SRI JUSTICE B. PRAKASH RAO

AND

THE HON'BLE SRI JUSTICE D. APPA RAO

–

W.A.No. 275 of 2006

Date: 24.03.2006

Between:

Smt. A. Lalitha

…… Appellant.

And

State Bank of India rep. By its Assistant General Manager,

Region-IV and Disciplinary Authority, Visakhapatnam & others.

……. Respondents

JUDGMENT: *(per the Hon'ble Sri Justice B. Prakash Rao)*

Heard Sri T.S. Anand, learned counsel for the appellant and Sri E. Madan Mohan Rao, learned counsel for the respondents and at their request, the main appeal itself is taken up for disposal at the stage of admission.

The unsuccessful writ petitioner is the appellant herein, who seeks to assail the order dated 31.01.2006 passed by the learned Single Judge dismissing W.P.No.23908 of 2004, which, *inter alia*, was filed seeking mandamus declaring the impugned action of the respondents in holding the disciplinary proceedings departmentally simultaneously with C.C.No.139 of 2001 on the file of the II Additional Judicial Magistrate of First Class, Rajahmundry as illegal and

arbitrary.

In this appeal, the only question that arises for consideration is as to whether having regard to the pendency of the criminal case against the appellant, the departmental proceedings, which were already initiated against her, need to be stayed or deferred till the disposal of the criminal case.

There is no dispute to the basic propositions as urged on behalf of the learned counsel on either side that there cannot be any sort of interdiction in regard to the departmental proceedings mainly because, the criminal proceedings is pending. It is also held by this Court that both the proceedings can simultaneously be proceeded against. However, the only factum, which has to be looked into, is as to whether any prejudice would be caused to the appellant.

In this case, we are satisfied that the allegations, virtually, though pertain to the same aspect, there is slight difference. Be that as it may, there is no doubt that the criminal case is still pending and it is not yet disposed of. In the meanwhile, the departmental enquiry has been initiated. In this connection, it is necessary to refer to the Judgment rendered by the Supreme Court in *Hindustan Petroleum Corpn. V. Sarvesh Berry*, wherein the following principles have been laid down:

> "Departmental proceedings and proceedings in a criminal case can proceed simultaneously as there is no bar in their being conducted simultaneously, though separately."

Similar such principles have already been reiterated by the Supreme Court in *Ram Saran v. IG of Police, CRPF* and *T.N.C.S. Corporation Ltd. v. K. Meera Bai*.

Having regard to such settled principles of law, it cannot be said that the departmental proceedings can be stayed or stopped till the disposal of criminal case. In view of the same, we are not satisfied that this is a case which requires the proceedings to be stayed. It would suffice in the interest of justice and also in the interest of the appellant that the criminal case is directed to be disposed of as expeditiously as possible.

The writ appeal is accordingly disposed of.

However, we direct the II Additional Judicial Magistrate of First Class, Rajahmundry to dispose of the criminal case within three months from the date of receipt of a copy of this order. This does not enable the appellant to seek stalling of the proceedings departmentally.

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(B.PRAKASH RAO.J)

(D. APPA RAO.J)

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Dt.24.03.2006